



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

First Named
Inventor : Gary A. Lenz et al.
Appln. No. : 09/739,080
Filed : December 15, 2000
For : IDENTIFICATION CARD
PERSONALIZATION DEVICE WITH
WEB BROWSER
Docket No.: F12.12-0045

Appeal No.

Group Art Unit: 3653

Examiner: Michael E.
Butler

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BRIEF FOR APPELLANT GROUP 3600

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30TH DAY OF May, 2003.


PATENT ATTORNEY

This is an appeal from an Office Action dated January 17, 2003 which finally rejected claims 33-36, 39 and 49.

REAL PARTY IN INTEREST

Fargo Electronics, Inc., a corporation organized under the laws of the state of Delaware, and having offices at 6533 Flying Cloud Drive, Eden Prairie, Minnesota 55344, has acquired the entire right, title and interest in and to the invention, the application, and any and all patents to be obtained therefor, as set forth in the Assignment filed with the patent application and recorded on Reel 011710, frame 0972.

RELATED APPEALS AND INTERFERENCES

There are no known related appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

STATUS OF THE CLAIMS

Claims 1-53 are pending in the application. Claims 1-32, 37, 38, 40-48, and 50-53 have been withdrawn from consideration. Claims 33-36, 39 and 49 have been finally rejected. Appellant is appealing the final rejections of claims 33-36, 39 and 49.

STATUS OF AMENDMENTS

No amendment has been filed subsequent to the final rejections of claims 33-36, 39 and 49.

SUMMARY OF INVENTION

The invention relates to an identification card personalization device that is used to create identification cards. The identification card personalization device (10) includes a hardware component (24), a network adapter (27), and a web client (20), as shown in FIG. 2. The hardware component can include components (36) such as a print mechanism for printing onto a card or a lamination mechanism for laminating the card. The network adapter is generally connectable to a network (12) for communication therewith. The web client is configured for subscribing to data on the network, such as data that is served by web servers 22 of various network devices 18. [Page 4, line 27 - page 5, line 2]. The identification card personalization device can take the form of either an identification card printer, an identification card laminator, or a laminating identification card printer that includes components of both an identification card printer and a laminator. [Page 5, lines 7-11].

The web client is used by the identification card personalization device to subscribe to data that is provided by web servers (22) of network devices (18) on network (12). [Page 20, lines 16-20]. One embodiment of the web client includes data subscription services through which the web client can subscribe

to data provided by web server (22) or web server (14) on network (12). This subscribing to data on the network is generally accomplished using a web browser (48), shown in FIG. 2.

In accordance with another embodiment of the invention, the identification card personalization device includes a web server (14), which serves information or data to networked devices 18 that include a subscribing web client 16, as shown in FIG. 1. [Page 11, lines 23-27]. In general, web server 14 allows the web client 16 to remotely access data and information relating to the identification card personalization device. [Page 12, lines 11-14]. Examples of the type of data served by web server 14 include information relating to configuration settings, security settings, card processing jobs (printing and/or laminating jobs) encoding data or encoding verification data, card security data, XML data objects, diagnostic information, card data and other types of data. [Page 12, lines 15-22].

ISSUES

Whether claims 33-34, 39 and 49 are anticipated by OrdaCard (Business Wire, Inc., October 23, 1998) under 35 U.S.C. §102(b).

Whether claims 33-34, 39 and 49 are anticipated by Provost (U.S. Patent No. 6,335,799) under 35 U.S.C. §102(e).

Whether claims 33 and 49 are anticipated by Watanabe (U.S. Patent No. 5,717,776) under 35 U.S.C. §102(b).

Whether claims 33 and 49 are anticipated by D'Entremont et al. (U.S. Patent No. 5,646,388) under 35 U.S.C. §102(b).

Whether claims 33-36, 39 and 49 are unpatentable over OrdaCard in view of Knowlton et al. (U.S. Patent No. 5,973,692) under 35 U.S.C. §103(a).

Whether claims 33-36, 39 and 49 are unpatentable over Provost in view of Knowlton et al. under 35 U.S.C. §103(a).

GROUPING OF CLAIMS

Group I: Claim 33 stands alone;
Group II: Claim 34 stands alone;
Group III: Claims 35 and 36 stand or fall together;
Group IV: Claim 39 stands alone; and
Group V: Claim 49 stands alone.

ARGUMENT

Group I: Claim 33

In the final Office Action, independent claim 33 was rejected under 35 U.S.C. §102(b) as being anticipated by OrdaCard. Appellant respectfully disputes the rejection.

OrdaCard discusses a new identification card production service, which utilizes an internet based secured photo identification card software system developed by Clal Imaging Ltd., and an Indigo offset digital printer. Paragraph 1, lines 1-2]. The service provided by OrdaCard allows customers to securely transmit data over the internet, which is then used by OrdaCard to produce the desired identification card. [Paragraph 1, lines 2-5]. Accordingly, OrdaCard merely discloses secure ordering of identification cards over the internet. Such orders can then be processed at a single location, rather than having to locate several printing stations for local identification card production. Nowhere in OrdaCard is there any disclosure that the data communications are being processed by an identification card personalization device or that the software that is utilized to provide the service is a component of an identification card personalization device. Instead, OrdaCard merely discloses data communication over the internet with customers to provide a customized service or product.

More particularly, OrdaCard provides no disclosure of an identification card personalization device, such as that described in independent claim 33, which includes a "hardware

component . . .; a network adapter . . .; and a web client for subscribing to data on the network." Although such an identification card personalization device may prove useful to such companies as OrdaCard, nowhere in OrdaCard is there any teaching or discussion of such an identification card personalization device. Additionally, there is no teaching or suggestion of an identification card personalization device that includes "a web client for subscribing to data on the network." A web client, as is conventionally known, operates as an interface to an application running on a host on the network and subscribes to data served thereby. Thus, the web client requests data objects (e.g., images, smart card data, text, video, animation, voice, bar code information, magnetic stripe information, etc.) from the host, which sends the requested data in response thereto.

It is clear from OrdaCard that even the software that is used in its business practice does not operate as the claimed "web client". This is evidenced by the fact that the software system operates as a server that "maintains the entire enrollment process at their customer sites" and utilizes "web-UPC server software," while the customer operates as the "client" that must utilize "web-UPC r client software." [Paragraph 2, lines 1-7]. There is no mention at all of any "subscribing" to data over a network. Instead, only a discussion of the transmission of data is provided. Accordingly, even if the software system was embedded in the identification card printer used by OrdaCard, it would still not constitute the identification card personalization device of independent claim 33. Therefore, Appellant believes that OrdaCard fails to anticipate claim 33.

In the final Office Action, the Examiner also rejected claim 33 under 35 U.S.C. §102(e) as being anticipated by Provost. The Examiner found Provost as teaching a card print mechanism (106), a network and adapter at column 5, lines 37-38, and a web client at column 5, line 5 and column 5, lines 29-40. Appellant

respectfully disagrees with the Examiner's assessment of the cited reference.

In particular, Appellant does not believe that the cited sections of Provost provide any discussion of a "web client" or a "network adapter" of an identification card personalization device as described in claim 33. Instead, Appellant believes that the cited sections of Provost generally refer to FIG. 1 that shows a remote host (102), a personal computer (104), and a printer (106). A description of the printer is provided in column 5, line 59 through column 6, line 51. Nowhere in Provost is there any teaching or suggestion that the printer (106) includes "a network adapter" or, more importantly, "a web client for subscribing to data on the network" as described in claim 33. Furthermore, the only "client" described in Provost is a customer to the business [Column 1, lines 33-34], rather than a "web client" of an identification card personalization device as described in claim 33. Accordingly, Appellant submits that Provost fails to anticipate claim 33.

The Examiner also finally rejected claim 33 under 35 U.S.C. §102(b) as being anticipated by Watanabe. The Examiner found the terminal unit (39) of Watanabe as being the equivalent to the "web client" of claim 33. Appellant respectfully disagrees with this assessment of the cited reference.

Terminal unit 39 is actually a device that is connected to the image file server 38 and is used to access data stored therein. [Column 4, lines 36-43] The cited terminal unit 39 is not a component of the printing device 21 of Watanabe, which is described in column 5, line 57 through column 6, line 24. Additionally, the cited terminal unit 39 does not operate as a "web client". Accordingly, Appellant submits that Watanabe fails to anticipate claim 33, since it fails to disclose the claimed identification card personalization device.

Also in the final Office Action, the Examiner rejected

claim 33 under 35 U.S.C. §102(b) as being anticipated by D'Entremont et al. The Examiner found the image acquisition units 22 of the cited reference to be the equivalent to the claimed "web client" described in claim 33. Appellant respectfully disagrees with this assessment of the cited reference.

In particular, the cited image acquisition units 22 are not formed as components of an identification card personalization device, as described in claim 33. The Examiner identifies recording unit 14 shown in FIG. 1 as being an identification card personalization device that includes a card print mechanism. However, as shown in FIG. 1, the cited acquisition units 22 are not formed as components of the recording unit 14. As a result, the cited reference fails to disclose the invention described in claim 33. Accordingly, D'Entremont et al. fail to anticipate claim 33.

The Examiner also finally rejected claim 33 under 35 U.S.C. §103(a) as being unpatentable over OrdaCard in view of Knowlton et al. However, the Examiner failed to explain the rejection other than stating that OrdaCard disclosed the elements previously discussed. There is no explanation as to how the combination of Provost and Knowlton et al. overcomes the deficiencies of Provost alone to disclose the invention of claim 33. Appellant also believes that the Knowlton et al. fail to disclose an identification card personalization device that includes a "web client" as described in claim 33. Accordingly, Appellant submits that even the combination of OrdaCard and Knowlton et al. fails to render the invention of claim 33 obvious.

The Examiner also rejected claim 33 under 35 U.S.C. §103(a) as being unpatentable over Provost in view of Knowlton et al. However, the Examiner provided no explanation as to how the combination of Provost and Knowlton et al. overcomes the deficiencies of Provost alone. In particular, the Examiner provided no indication of which aspects of Provost and Knowlton et

al. would be used to form the invention of claim 33. As discussed above, Appellant believes that Provost fails to disclose the invention described in claim 33. Appellant also believes that the Knowlton et al. fail to disclose the invention describe in claim 33 including the claimed "web client". Accordingly, Appellant submits that even the combination of Provost and Knowlton et al. fails to render the invention of claim 33 obvious.

GROUP II: Claim 34

Claim 34 depends from claim 33. Claim 34 stands apart from claim 33 because it includes an additional limitation that is neither taught, nor suggested by the prior art, wherein the identification card personalization device includes a web browser, wherein the web client subscribes to the data using the web browser.

In the final Office Action, claim 34 was rejected under 35 U.S.C. §102(b) as being anticipated by OrdaCard. The Examiner found line 3 of OrdaCard as disclosing "web browser subscribed to data for web client." As discussed above, Appellant understands that OrdaCard's business practice allows customers to enroll "as clients" and provides data over the internet. However, there is no teaching or suggestion that the identification card printer utilized by OrdaCard includes "a web browser, wherein the web client subscribes to the data using the web browser," as described in claim 34. Accordingly, Appellant submits that OrdaCard fails to anticipate claim 34.

Also in the final Office Action, claim 34 was rejected under 35 U.S.C. §102(e) as being anticipated by Provost. The Examiner found column 14, lines 39-53 of Provost as describing the claimed "web browser". Appellant has reviewed the cited passage of Provost and finds no mention of a web browser, and more particularly, no mention of an identification card personalization device that includes "a web browser, wherein the web client

subscribes to the data using the web browser" as described in claim 34. Appellant submits that no such disclosure is provided in Provost. Accordingly, Appellant submits that Provost fails to anticipate claim 34.

The Examiner also finally rejected claim 34 under 35 U.S.C. §103(a) as being unpatentable over OrdaCard in view of Knowlton et al. However, the Examiner provided no explanation as to how the combination of OrdaCard and Knowlton et al. overcomes the deficiencies of OrdaCard alone. Appellant submits that neither of the references disclose or suggest an identification card personalization device that includes the claimed web browser. Accordingly, the combination of OrdaCard and Knowlton et al. cannot render claim 34.

In the final Office Action, the Examiner also rejected claim 34 under 35 U.S.C. §103(a) as being unpatentable over Provost in view of Knowlton et al. However, the Examiner provided no explanation as to how the combination of Provost and Knowlton et al. overcomes the deficiencies of Provost alone. Appellant submits that neither of the cited references teaches or suggests an identification card personalization device that includes the claimed web browser. Accordingly, the combination of the references cannot render the claim obvious.

Group III: Claims 35 and 36

Claim 36 depends from claim 35, which in turn depends from independent claim 33. Appellant submits that the inventions of claims 35 and 36 stand apart from claim 33, since they further describe the identification card personalization device as including a web page that contains links to information.

In the final Office Action, the Examiner rejected claims 35 and 36 under 35 U.S.C. §103(a) as being unpatentable over OrdaCard in view of Knowlton et al.. The Examiner found OrdaCard to disclose the elements of claim 33 and found Knowlton

et al. to disclose the elements of claims 35 and 36 that were not inherently disclosed by OrdaCard. In particular, the Examiner found Knowlton et al. to teach the claimed web page of claim 35 at column 11, lines 14-36. Appellant respectfully disputes this assertion.

The cited passage of Knowlton et al. discusses the generation of graphic icons 144 in a server system 114 or a local system 112. Appellant submits that there is no disclosure or suggestion of a web page containing links to information. Moreover, there is no disclosure or suggestion of an identification card personalization device that includes such a web page, as described in claim 33. Furthermore, as discussed above, Appellant believes that OrdaCard fails to disclose the invention of claim 33. As a result, Appellant submits that the combination of OrdaCard and Knowlton et al. do not render claim 35 obvious.

The Examiner also found the cited passage of Knowlton et al. to disclose the elements of claim 36. Claim 36 further describes the links contained in the web page of claim 35 as being HTML links or XML links. As mentioned above, Appellant does not believe that Knowlton et al. disclose the web page described in claim 35. As a result, Appellant submits that there is no disclosure or suggestion in the cited passage of the particular type of links that could be contained in such a web page. Accordingly, Appellant submits that the combination of OrdaCard and Knowlton et al. fail to render claim 36 obvious.

Also in the final Office Action, the Examiner rejected claims 35 and 36 under 35 U.S.C. §103(a) as being unpatentable over Provost in view of Knowlton. The Examiner found Provost as disclosing the elements of claim 33 and Knowlton as disclosing the elements that were not inherently disclosed by Provost at column 11, lines 14-36. As discussed above, Appellant submits that Provost fails to disclose the identification card

personalization device of claim 33 and Knowlton et al. fail to disclose the elements of claims 35 and 36. Accordingly, Appellant submits that the combination of Provost and Knowlton et al. fail to disclose or suggest all of the elements of claims 35 and 36 and, therefore, fail to render them obvious.

Group IV: Claim 39

Claim 39 depends from claim 33. Claim 39 stands apart from claim 33 because it includes an additional limitation that is not disclosed in the prior art. In particular, claim 39 describes the identification card personalization device of claim 33 as including data subscription services through which the web client subscribes to the data on the network.

In the final Office Action, the Examiner rejected claim 39 under 35 U.S.C. §102(b) as being anticipated by OrdaCard. The Examiner found the word "enrollment" in line 3 as disclosing the claimed "data subscription services" of an identification card personalization device as described in claim 39. Appellant respectfully disputes this assessment of the cited reference.

As explained above, the web client of the identification card personalization device of the present invention uses the data subscription services to subscribe to data provided by remote web servers 22 or a web server 14. [Page 20, lines 20-23]. The "enrollment" aspect of the described business practice of OrdaCard appears to relate to the customer's ability to access data "at customer sites." Such data access cannot be construed as teaching an identification card personalization device that includes "data subscription services through which the web client subscribes to the data on the network", as described in claim 39. Accordingly, Appellant submits that OrdaCard fails to anticipate claim 39.

Also in the final Office Action, the Examiner rejected claim 39 under 35 U.S.C. §102(e) as being anticipated by Provost.

The Examiner found column 5, lines 29-40 as disclosing the claimed "data subscription services" of claim 39. Applicant respectfully disagrees with the Examiner's assessment of the cited reference.

As discussed above with respect to claim 33, there is no teaching or suggestion of an identification card personalization device that includes a "web client" in the cited reference. As a result, there can be no teaching or suggestion of an identification card personalization device that includes "data subscription services through which the web client subscribes to the data on the network" as described in claim 39. Accordingly, Appellant submits that Provost fails to anticipate claim 39.

Also in the final Office Action, the Examiner rejected claim 39 under 35 U.S.C. §103(a) as being unpatentable over OrdaCard in view of Knowlton et al. However, the Examiner provided no indication of which of the deficiencies of OrdaCard was satisfied by Knowlton et al. Appellant submits that neither of the cited references disclose the data subscription services of claim 39. Accordingly, Appellant submits that the combination of OrdaCard and Knowlton et al. fails to render claim 39 obvious.

In the final Office Action, the Examiner also rejected claim 39 under 35 U.S.C. §103(a) as being unpatentable over Provost in view of Knowlton et al. However, the Examiner provided no indication of which of the deficiencies of Provost was satisfied by Knowlton et al. Appellant submits that neither of the cited references disclose the data subscription services of claim 39. Accordingly, Appellant submits that the combination of Provost and Knowlton et al. fails to render claim 39 obvious.

Group V: Claim 49

Claim 49 depends from claim 33. Claim 49 stands apart from claim 33 since it contains an additional limitation that is neither taught nor suggested by the prior art. In particular,

claim 49 describes the identification card personalization device of claim 33 as including a web server for serving data.

In the final Office Action, the Examiner rejected claim 49 under 35 U.S.C. §102(b) as being anticipated by OrdaCard. The Examiner found line 13 of OrdaCard as disclosing the claimed web server. Appellant disagrees with the Examiner's assessment of the cited reference. In particular, the cited section of OrdaCard merely describes the server software utilized by the service bureau, which is believed to be separate from an identification card personalization device. Appellant submits that nowhere in OrdaCard is there any discussion of an identification card personalization device that includes a web server for serving data as described in claim 49. Accordingly, OrdaCard fails to anticipate claim 49.

Also in the final Office Action, the Examiner rejected claim 49 under 35 U.S.C. §102(e) as being anticipated by Provost. The Examiner found column 5, lines 29-40 of Provost as disclosing the claimed "web server". Appellant respectfully disagrees with the Examiner's assessment of the cited reference. The cited passage discusses a remotely located host data processor 102 that is preferably connected to a personal computer 104 over a network type connection. Appellant submits that the remotely located host data processor 102 is not formed as a component of an identification card personalization device as described in claim 49. Accordingly, Appellant submits that Provost fails to anticipate claim 49.

Additionally, the Examiner rejected claim 49 in the final Office Action under 35 U.S.C. §102(b) as being anticipated by Watanabe. The Examiner found file server 38 of Watanabe "as being the equivalent to the claimed web server". In particular, the cited file server 38 of Watanabe is not a component of an identification card personalization device, as illustrated in FIG. 2. Accordingly, Appellant submits that Watanabe fails to

anticipate claim 49.

In the final Office Action, the Examiner also rejected claim 49 under 35 U.S.C. §102(b) as being anticipated by D'Entremont et al. The Examiner found the central image server 20 as being the equivalent to the "web server" of claim 49. Appellant respectfully disagrees with the Examiner's assessment of the cited reference. In particular, Appellant believes that the Examiner has indicated that the recording unit 14 of the cited reference represents a card personalization device. However, the cited image server 20 is illustrated in FIG. 1 as being separate from the recording unit 14. Accordingly, the cited image server 20 is not a component of an identification card personalization device, as described in claim 49. Therefore, Appellant submits that D'Entremont et al. fail to anticipate claim 49.

Also in the final Office Action, the Examiner rejected claim 49 under 35 U.S.C. §103(a) as being unpatentable over OrdaCard in view of Knowlton et al. However, the Examiner provides no indication of how the combination of OrdaCard and Knowlton et al. form the invention of claim 49. In particular, the Examiner provides no explanation of the deficiencies of OrdaCard that are satisfied by Knowlton et al. Appellant submits that neither of the references disclose an identification card personalization device that includes the web server described in claim 49. Accordingly, Appellant submits that the combination of OrdaCard and Knowlton et al. also fails to disclose or suggest the invention of claim 49 and, thus, fails to render claim 49 obvious.

In the final Office Action the Examiner also rejected claim 49 under 35 U.S.C. §103(a) as being unpatentable over Provost in view of Knowlton et al. However, the Examiner provides no indication of how the combination of Provost and Knowlton et al. form the invention of claim 49. In particular, the Examiner

provides no explanation of the deficiencies of Provost that are satisfied by Knowlton et al. Appellant submits that neither of the references disclose an identification card personalization device that includes the web server described in claim 49. Accordingly, Appellant submits that the combination of Provost and Knowlton et al. also fails to disclose or suggest the invention of claim 49 and, thus, fails to render claim 49 obvious.

CONCLUSION

For the reasons discussed above, Appellant submits that claims 33-36, 39 and 49 are allowable over the cited references. As such, Appellant respectfully requests that claims 33-36, 39 and 49 be allowed.

Respectfully submitted,

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Appendix A

33. An identification card personalization device comprising:
at least one hardware component selected from a group consisting of a print mechanism for printing onto a card and a lamination mechanism for laminating the card;
a network adapter connectable to a network; and
a web client for subscribing to data on the network.
34. The device of claim 33, further comprising a web browser, wherein the web client subscribes to the data using the web browser.
35. The device of claim 33, further comprising a web page containing links to information.
36. The device of claim 35, wherein the links are of a type selected from a group consisting of network Hyper Text Markup Language (HTML) links and network extensible Markup Language (XML) links.
39. The device of claim 33, further comprising data subscription services through which the web client subscribes to the data on the network.
49. The device of claim 33, further comprising a web server for serving data.



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**TRANSMITTAL OF APPEAL BRIEF
(PATENT APPLICATION - 37 C.F.R. § 192)**

GROUP 3600

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PATENT ATTORNEY

Transmitted herewith in triplicate is the Appeal Brief in
this application with respect to the Notice of Appeal filed on April
7, 2003.

FEE STATUS

[x] Small entity status under 37 C.F.R. §§ 1.9 and 1.27
is established by a verified statement.

FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. 1.17(c) the fee for filing the
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The Director is authorized to charge any additional fees
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Respectfully submitted,

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